

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JERRY WINTERS

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:08CV97-SA-DAS

**ATTALA COUNTY
SHERIFF'S DEPARTMENT, ET. AL.**

DEFENDANTS

ORDER DENYING MOTION TO STAY

Before the court is defendant Sheriff William Lee's motion to stay this case pursuant to Uniform Local Rule 16.1(B)(4). In support of this motion, the defendant asserts that he asserted qualified immunity as an affirmative defense in this Answer. Because the defendant has failed to meet Rule 16.1(B)(4)'s requirement of raising said defense by separate motion, the instant motion should be, and the same is hereby DENIED.

SO ORDERED this 23rd day of July, 2009.

/s/ David A. Sanders
UNITED STATES MAGISTRATE JUDGE